

November 9, 2023

Via ECF

The Hon. Judge Katharine H. Parker
United States Magistrate Judge
District Court for the Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007

Re: *GMO Gamecenter USA, Inc., et al. v. Whinstone US, Inc.*, No. 1:22-cv-05974.

Dear Judge Parker:

Pursuant to the Court's October 4, 2023 Order, ECF No. 98, undersigned counsel for GMO Gamecenter USA, Inc. and GMO Internet Group, Inc.'s (collectively, "GMO") and Whinstone US, Inc. ("Whinstone"), write to preview any disputes or other issues that the parties would like to discuss at the November 14, 2023 conference, including whether the parties have received any objections to the third-party subpoenas. We also write to provide a brief update on the status of discovery.

To begin, the parties do not anticipate raising any disputes at the November 14 conference. Previously existing discovery disputes concerning GMO's document requests, which were raised at the October 4 conference, have been addressed through conferrals.

With regard to objections to third party subpoenas, third party Riot Platforms, Inc. ("Riot"), which is represented by counsel for Whinstone, served objections to GMO's third-party document subpoena. Counsel for Riot and GMO are negotiating in an effort to resolve outstanding disputes concerning the subpoena. Certain other third parties have served objections to third-party subpoenas, and the parties are attempting to work with the third parties in order to resolve any disputes concerning these subpoenas.

At the November 14 conference, the parties would like to discuss an extension of the November 30, 2023 deadline to serve third-party subpoenas. An extension would provide the parties with additional time to complete party discovery, which in turn would help (i) determine what remaining discovery from third parties is needed, and (ii) identify other third parties with relevant information.

The parties are progressing discovery and have continued to meet and confer in order to resolve disputes and clarify the scope of discovery. The parties have come to an agreement on search terms and the production of certain documents not requiring search terms, and are collaborating in an effort to schedule document productions and depositions. The parties are aiming to substantially complete document productions by mid-to-late January 2024, and take depositions in February and March 2024.

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

By: /s/ Elliot Greenfield

Elliot Greenfield
egreenfield@debevoise.com
Maeve O'Connor
mloconnor@debevoise.com
Brandon Fetzer
bfetzer@debevoise.com
66 Hudson Boulevard
New York, NY 10001
Tel: 212.909.6000

*Attorney for Defendant
and Counterclaim-Plaintiff*

HAYNES AND BOONE, LLP

By: /s/ Leslie C. Thorne

Leslie C. Thorne
leslie.thorne@haynesboone.com
Jason Jordan
jason.jordan@haynesboone.com
Aishlinn Bottini
aishlinn.bottini@haynesboone.com
Michael Freyberg
michael.freyberg@haynesboone.com
30 Rockefeller Plaza, 26th Floor
New York, New York 10112
Tel: 212.659.7300

*Attorney for Plaintiffs and
Counterclaim-Defendants*

cc: All Counsel of Record (via ECF)